

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF WASHINGTON

MICHAEL THEURICH,
individually,

Plaintiff,

v.

KITSAP COUNTY, a Municipal
Corporation organized under
the laws of the State of
Washington, and CONMED, INC.,
a Foreign Corporation doing
business in Kitsap County,
Washington, and BARBARA MULL,
and BRUCE KALER, MD, and
OFFICER RT#1146, and ARLEN
JOHNSON, and C. MCCARTY,

Defendants.

NO.

COMPLAINT FOR VIOLATION OF
PLAINTIFF'S CONSTITUTIONAL
RIGHTS UNDER 42 U.S.C. §1983

I. JURISDICTION & VENUE

1.1 Plaintiff, MICHAEL THEURICH, is, and at all relevant times
was, a resident of Pierce County, Washington.

1.2 The defendant, KITSAP COUNTY, is a Municipal Corporation and
a political subdivision of the State of Washington, and is
located in Kitsap County, Washington.

1.3 Defendant CONMED, INC., is a Foreign Corporation registered in
the State of Maryland, doing business in Kitsap County,

COMPLAINT FOR VIOLATION
OF CONSTITUTIONAL RIGHTS
UNDER 42 U.S.C. §1983 - Page 1 -

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1 Washington and with Defendant KITSAP COUNTY.

2 1.4 Defendant BARBARA MULL is a nurse working for CONMED, INC. In
3 fulfilling its contract with defendant KITSAP COUNTY. She is
4 believed to be a resident of Kitsap County, Washington.

5 1.5 Defendant Dr. BRUCE KALER, MD was a doctor working for CONMED,
6 INC. He is believed to be a resident of Kitsap County,
7 Washington.

8 1.6 Defendant Officer RT#1466, whose true name is presently
9 unknown, is a corrections officer working for Kitsap County,
10 and is believed to be a resident of Kitsap County, Washington.

11 1.7 Defendant ARLEN JOHNSON, ARNP is a medical provider working
12 for defendant CONMED, Inc, and is believed to be a resident of
13 Kitsap County, Washington.

14 1.8. Defendant C. MCCARTHY is the Health Services Administrator
15 working for defendant CONMED, Inc, and is believed to be a
16 resident of Kitsap County.

17 1.9 All acts and omissions alleged in this complaint occurred in
18 Kitsap County, Washington.

19 1.10 An action herein is a claim brought under 42 U.S.C. §1983, and
20 states a Federal Claim.

21 1.11 Federal Courts have original jurisdiction over this case
22 pursuant to 28 U.S.C. §§ 1331, 1441 and 42 U.S.C. §1983.

23 II. CAUSE OF ACTION - VIOLATION OF PLAINTIFF'S

24 CIVIL RIGHTS UNDER 42 U.S.C. §1983

25 2.1 From January 24, 2012 through January 20, 2013, Defendant

1 KITSAP COUNTY operated a public jail facility under color of
2 law at 614 Division Street in Port Orchard, Kitsap County,
3 Washington for housing incarcerated inmates for both pretrial
4 and post conviction incarceration.

5
6 2.2 Defendant KITSAP COUNTY has a non-delegable duty to provide
7 appropriate and necessary medical services to those
8 incarcerated in its jail facility, to ensure the inmates'
9 health, welfare, and safety.

10 2.3 Defendant KITSAP COUNTY contracted with defendant, CONMED,
11 INC., to provide inmate healthcare services in an attempt to
12 meet its duty, at a flat rate of compensation, regardless of
13 medical needs of the inmate population, and the costs thereof.
14 This flat rate of compensation specifically includes an amount
15 for medications for inmates, based not on medications
16 dispensed, but on population in the facility for each month,
17 except specific medical conditions not here relevant.

18
19 2.4. The practical effect of this flat rate compensation package is
20 that the profit of CONMED, INC. declines for every pill,
21 procedure and expense provided for medical care of inmates,
22 except specific medical conditions not here relevant.

23
24 2.5 CONMED, INC. is a for-profit corporation.

25 2.6 CONMED, INC has a policy, express or de facto, of delaying and
26 denying medical care pain to increase its profits, and directs
27 or pressures its medical care providers to follow this policy.

28 2.7 Defendant CONMED, INC., hired and supervised numerous

1 employees, including BARBARA MULL, RN, ARLEN JOHNSON, ARNP,
2 Sue Stevens, RN the Health Services Administrator (HSA), and
3 C. McCarthy, RN, PHN, HSA, to act as agents on its behalf in
4 fulfilling its contract with defendant, KITSAP COUNTY.

5
6 2.8 Plaintiff MICHAEL THEURICH is a disabled veteran, having
7 served in the United States Air Force. His disability was
8 based in part on Post Traumatic Stress Disorder, as he has
9 seen a lot of death in his career, and has been diagnosed as
10 having Post Traumatic Stress Disorder by the Veteran's
11 Administration. He has full medical benefits under the
12 Veteran's Administration.

13
14 2.9 Plaintiff MICHAEL THEURICH has a history of spinal stenosis
15 directly related to military service, first documented in 1998
16 by abnormal spine films, and next in 2002 by increasing upper
17 extremity symptoms with numbness and tingling. On 12/22/11,
18 he was cleared and approved by the VA to have surgery to
19 repair and alleviate this spinal stenosis. Surgery was
20 planned and scheduled for February 13, 2012.

21
22 2.10 Plaintiff MICHAEL THEURICH is an alcoholic, but was abstinent
23 for a long time, from September 2010 until January 23, 2012.

24 2.11 MICHAEL THEURICH on January 23, 2012 came upon an auto
25 accident on Highway 16 near Gig Harbor. He viewed a dead
26 person at the scene of the accident. This triggered his
27 service related Post Traumatic Stress Disorder, causing him
28 great anxiety, for which he self medicated with alcohol.

1 2.12 Plaintiff MICHAEL THEURICH was arrested for driving While
2 under the Influence of Alcohol on January 24, 2012, and was
3 taken to the Kitsap County Jail, where he remained until
4 January 20, 2013.

5
6 2.13 Plaintiff MICHAEL THEURICH was held as a pretrial detainee at
7 the Kitsap County Jail from January 24, 2012 until when he was
8 convicted by guilty plea on July 24, 2012, and sentenced on
9 August 7, 2012. He thereafter was serving his sentence until
10 his release on January 20, 2013.

11 2.14 Plaintiff MICHAEL THEURICH was honest about his medical
12 condition, and advised jail medical staff, Officer Skjordal,
13 performing a medical screening report that he had cervical
14 stenosis.
15

16 2.15 Plaintiff MICHAEL THEURICH was honest about his medical
17 condition, and on January 25, 2012 advised jail medical staff,
18 CONMED employee, ARLEN JOHNSON, ARNP, performing an initial
19 health assessment, that he had a history of Degenerative Disk
20 Disease with a an operation scheduled at the Veteran's
21 Administration. ARNP JOHNSON wrote an interdisciplinary
22 progress note that THEURICH said he was in process for a
23 cervical Spine Fusion at Swedish Hospital, and wrote "suggest
24 he apply for furlough for an outside appointment, or
25 reschedule [the surgery]." Johnson said it was "not
26 emergent."
27
28

2.16 On January 27, 2012, THEURICH submitted an Inmate Requests

1 form (kite) to jail administration as follows:

2 Medical Liason, Jail staff, and classification.

3 Medical furlough; Have scheduled since 22 Dec.
4 11 cervical (Seattle) spine, cervical
5 laminectomy on 13 Feb. 12, 0530, Swedish
6 Hospital, James Tower, Seattle, Neuroscience
7 Institute, Dr. John Hsiang [Hsiang], 4 days
8 hospital with 3 to 4 mo convalescence-
recuperation. A 31 Jan 12, preop appt. with
VA primary care Dr. Christina Howard, CBOC
Federal Way - Dept VA.

9
10 Officer 1466, initials RT, responded on February 1, 2012 as
11 follows:

12 " (FORWARDED) You must contact your attorney
13 regarding your furlough."

14 2.17 That same day, January 27, 2012, Plaintiff THEURICH submitted
15 a CONMED, INC. Form "Health Services Request" (kite) stating:

16 cervical stenosis and numbness lost feeling in
17 arms, muscle twitch and heavy legs. MEDICAL
18 FURLOUGH REQUEST. Spinal Surgery confirmed
19 since 22 Dec. 11 at Swedish Hospital Cherry
20 hill, Neuroscience institute, Dr. John Hsaing
21 [Hsiang], RN Katie Rupe, and Jayne Choi.
22 Primary Provider Federal Way CBOC - VA, Dr.
23 Christina Howard. Preop lab & tests 31 Jan.
24 12, operation 13 Feb 12 05:30- cervical
25 laminectomy. Service connected veteran with
26 cervical stenosis condition. Operation
scheduled on 13 Feb 05:30. Primary Care
clearance appt 31 Jan. 12 -labs (Dr. Christina
Howard). Cardiologist clearance after 31 Jan.
12 request Dr. John Hsaing [Hsiang], Swedish
Neuroscience Institute on a fee service 4 day
hospital stay w/3-4 months recoup and
physical therapy.

27
28 On February 1, 2012, RN BARBIE MULL responded for CONMED, INC.
in writing to this kite, ranking it as requiring a chart

1 review, non urgent. She wrote in reply:

2 Medical does not do furloughs. That is worked
3 out with your lawyer and the courts. Sign a
4 release so we can review your current records.

5 The records were already in possession of CONMED, INC.

6 2.18 On January 31, 2012, a CONMED Employee, a Mental Health
7 Professional whose name cannot be deciphered, noted in the
8 initial evaluation and treatment plan:

9 Medical history: cervical stenosis; numbness
10 in arms; twitching

11 2.19 On January 31, 2012, a CONMED Employee, Dr. Vondran, MD, noted
12 in his psychiatric assessment:

13 Avis III: Cervical stenosis, parasthesia,
14 Muscle twitching

15 2.20 Plaintiff THEURICH was unable to obtain a furlough as his
16 public defender did not feel this was within the scope of his
17 employment or funding. Further, his attorney does not have an
18 obligation to provide medical care to MICHAEL THEURICH, as do
19 KITSAP COUNTY, CONMED, INC. and its employees. No other
20 person made arrangements for Mr. THEURICH to be released.
21 THEURICH was prevented from attending the required surgery by
22 his incarceration,
23

24 2.21 The scheduled operation passed on February 13, 2012 with no
25 surgery occurring. No alternate date was arranged by CONMED,
26 INC., or its employees, for surgery to occur. The cervical
27 spinal stenosis went unrepaired.
28

2.22 On August 16, 2012, Plaintiff submitted an addition Inmate

1 Request to Jail staff as follows:

2 Nature of Request: Medical Liaison,
3 classification, jail Staff
4 Re: See previous Kite 27 Jan. 12. Now that
5 I'm sentenced; when and how can I get my
6 cervical laminectomy which was scheduled for
7 13 Feb 12 05:30 a. I have no lawyers because
8 I'm now in the sentenced phase. I need care
to prevent further numbness, partial paralysis
and spinal chord nerve damage. I asked for a
medical furlough in Jan 27, 2012 (2 kites -
submitted in Jan 12).

9 There is a hand written notation by jail staff: "MEDICAL"

10 "Returned per officer Slippers"

11 2.23 On August 16, 2012, Plaintiff THEURICH submitted another kite
12 on a medical form: Health Services Request. He described his
13 health problem as follows:

14 Cervical Stenosis; On 27 Jan. 2012 I submitted
15 a medical kite and inmate kite in which I had
16 surgery scheduled for cervical laminectomy on
17 13 Feb 12. Now that I'm sentenced when and
18 how can I get this required care to prevent
further numbness and paralysis? (I have no
more attorney on this criminal matter) trial
phase over

19 The reply on August 17, 2012 from CONMED employee Barbie Mull,
20 RN was as follows:

21 Scheduled for release 1/10/13. Your records
22 indicate neck surgery schedule for February
23 2013. I will schedule you to be seen by our
provider to discuss your concerns.

24 2.24 Plaintiff THEURICH was seen by DR. BRUCE KALER, MD on August
25 20, 2012. He wrote on the progress interdisciplinary notes:

26 Wanted to discuss when he will have neck
27 surgery. As previously discussed scheduled
28 after his release which maybe Jan 2013.

Assessment: Cervical Radiculitis
Plan: Naproxen 500 mg twice daily as needed

1 2.25 Plaintiff THEURICH put in another Health Services Request form
2 on October 10, 2012 describing his health problem:

3 My Naproxen is no longer providing
4 inflammatory relief from pain due to my
5 cervical stenosis condition. January 2012 I
6 asked for a medical furlough to complete my
7 scheduled operation. By my pain feeling, now
worse, I fear my risks of numbness or partial
paralysis is getting worse as time continues.

8 On October 12, 2012 CONMED employee Barbie Mull, RN, replied
9 that she will schedule with the provider for a followup.

10 2.26 On October 19, 2012 CONMED employee Dr. Kaler, MD, saw
11 plaintiff and noted:

12 Persistent and longstanding cervical
13 radiculitis bilaterally upper extremity. Some
14 initial help from Naproxen, now bit worse.
15 Had trial of Tegritol few years ago, but no
16 response and no side effects. No change in
17 physical findings. Reviewed VA record of C-
18 spine MRI + EMG. Assessment: Cervical
19 Radiculitis. Plan: continue Naproxen 500
twice a day as needed. Begin Gabapentin 300
mg once in the evening. Re-evaluate in one
week. Consider increase weekly by 300 mg per
day.

20 2.27 On October 26, 2012 DR. KALER saw Plaintiff THEURICH again,
21 making the following notations:

22 Assessment: Cervical Radiculitis, Chronic
23 Plan: Increase Gabapentin 300 mg, twice a day

24 2.28 Plaintiff THEURICH sought help by another Health Services
25 Request on November 7, 2012, stating:

26 Dr. said I'd have another followup on 2 Nov.
27 about Gabapentin- neuralgia/stenosis. Already
28 past date. When?

On November 8, 2012 CONMED employee BARBIE MULL, RN, replied

1 as follows:

2 Sorry for the delay, you are scheduled soon.

3 On November 9, 2012, DR. KALER saw Plaintiff THEURICH again,
4 making the following notations:

5 Assessment: Cerv. radiculitis

6 Plan: Increase Gabapentin 600 mg PM + 300mg in AM.

7 Re-eval 2 wks.

8 2.29 Plaintiff THEURICH sought help by another Health Services
9 Request on November 16, 2012, stating:

10 Didn't get called out for 16 Nov follow up on
11 cervical stenosis and medication follow-up
12 again. Current meds not working - still
painful rt arm/shoulder.

13 On November 19, 2012 CONMED employee BARBIE MULL, RN, replied
14 as follows:

15 Assessment: The provider said to re-evaluate you in
16 2 weeks from your last clinic visit on 11-9-12.
17 That will be 11-23-12.

18 Plan: I do not see that you were scheduled on
19 11/16/12 for follow up. Will refer this to the
provider for review.

20 On November 23, 2012, CONMED employee RN Marquins saw
21 Plaintiff THEURICH in clinic, making the following notations:

22 Inmate at clinic for follow up R/T cervical
23 stenosis. Temp 98.5°, BP 130/84, HR 84.

24 DR. KALER wrote a Physician's Order on the same date to:

25 Resume Gabapentin 300mg tid x 30 days.

26 Add Hydrochlorothiazide 25mg qAM x 30 days.

27 Recheck in clinic 11-30-12.

28 On November 30, 2012, Dr. Kaler saw Plaintiff THEURICH in
follow up on peripheral neuropathy, making the following

1 notations:

2 Assessment: Cerv. Radiculitis.
3 Plan: Resume Gabapentin 300mg tid, add
4 hydrochlorothiazide 25mg qd, consider increase
Gabapentin in one week.

5 2.30 Plaintiff THEURICH sought help by another Health Services
6 Request on December 3, 2012, stating:

7 30 Nov 12 follow up per Dr. Kaler. Still
8 retaining water, swollen ankles. Still pain
9 in arms.

10 On December 5, 2012 CONMED employee Barbie Mull, RN, replied
11 as follows:

12 Sorry for the delay, you are scheduled this
13 week.

14 On December 7, 2012, DR. KALER saw Plaintiff THEURICH again,
15 making the following notations:

16 Assessment: Cerv. radiculitis; Peripheral edema, no
17 sx phlebitis

18 Plan: Increase Gabapentin 600mg tid. Increase
19 Hydrochlorothiazide to 50mg qAM. Add KCL (liquid
20 potassium chloride) 20meq BiD. Continue Naproxen
500mg BiD. Re-eval one week.

21 2.31 Plaintiff THEURICH sought help by another Health Services
22 Request on December 21, 2012, stating:

23 Swollen left leg, near knee and ankles. Some pain
24 increase. (3rd time to ask for follow up.) Left
25 shoulder pain and left neck pain. Same problem
from earlier - no better.

26 On December 24, 2012 CONMED employee JW Marquins, RN, replied
27 as follows:

28 We will schedule to be seen at clinic.

2.32 Plaintiff THEURICH filed an Inmate Grievance Form (Tracking

1 No. 2012-508) on December 21, 2012, stating:

2 In the last 3 weeks, I've had swelling in the ankle
3 and knee, burning sensations in the left leg. This
4 is the 3rd time I've had to ask for follow ups on
5 this care. However on each visit the Dr. tells me
6 he will follow up on the progress of how the
7 medicines are working and the pain. I'm not
8 getting those follows in a timely manner as the
9 doctor told me. I'm concerned this current
10 situation is related to my stenosis as I indicated
11 27 Jan 2012. Last week, a fasting blood draw was
12 taken. I haven't been informed on how this may
13 result or may not result to the declining stenosis
14 condition. My concern is that a less effective
15 course of treatment is in progress, whereas my
16 neurosurgery doctor at Swedish Neuro Surgery
17 Institute has already ordered surgery for 13 Feb
18 2012. My fear continues that this delay of earlier
19 treatment is now not giving me a realistic
20 opportunity to be cured. Delaying follow ups only
21 contributes to my declining condition, unknown
22 nerve damage, or increase in pain. If this clinic
23 cannot provide this service, then schedule with my
24 neurosurgeon or medical furlough to get need of
25 care.

26 Officer RF #1418 received the Inmate Grievance Form 12/24/12
27 at 0930 and assigned the grievance to CONMED HSA on 12/24/12.
28 On January 3, 2013, CONMED employee C. MCCARTHY, RN, PHN,
Health Services Manager, replied as follows:

29 On Dec. 7, 2012, you were seen by the doctor for
30 swelling in your lower legs - left worse than the
31 right. The doctor increased your medication in an
32 attempt to decrease the swelling and scheduled you
33 for re-evaluation in one week. Our concern was
34 that you may have a blood clot. You were checked
35 twice following that time, and an ultrasound was
36 ordered to rule out a blood clot. You had an
37 ultrasound of your leg today, which was negative
38 for a blood clot. You are scheduled for a follow
up visit with Dr. Kaler to decide your next step in
treatment.

On January 7, 2013, Kitsap County Jail Lieutenant ROXANNE

PAYNE #1401 marked the grievance "Not Sustained."

2.33 Plaintiff THEURICH filed an Inmate Grievance Form (Tracking No. 2013-023) on January 10, 2013, stating:

Health Services Manager only addressed my course of care for the swelling on my leg. However, the focus of my problem/complaint is that I have had to make additional kites to "remind" of weekly appointments. On review of previous kites, 10 Oct 2012, I had to submit a kite to be seen when the doctor told me I would be seen a week earlier than the kite was written. On 7 Nov 12, I submitted a second kite to be seen. CONMED answered on 8 Nov 12: sorry for delay. On 16 Nov I submitted another to which I thought I would be seen 9 Nov 12. The doctor has been doing weekly appointments to monitor my pain. The appt person rather put me in for appt on 23 Nov. On 21 Dec I had submit a 3rd kite to be seen on the pain and a new swelling problem. My concern, this is a repeated oversight or problem with lasting impact on my pain. Finally, on 16 Aug 12 you (CONMED) stated my records indicate surgery for Feb 2013. I'm 3 weeks from February 2013. When is my pre-op scheduled and when is my surgery date? Most surgeries are scheduled 2 to 3 months in advance. CONMED has known my condition since 27 Jan 2012. My pain has not changed and worsened since the start on gabapentin. I would like to know what date my pre-op and surgery is on, based on what I asked on the 16 Aug 2012 med kite and previous kites.

Officer #1415 received the Inmate Grievance Form 01/11/13 at 1012 and assigned the grievance to Jail Medical on 01/11/13. At the top of page 2 is a received stamp with the date of Jan 11 2013.

On January 21, 2013, CONMED employee C. MCCARTHY, HSA, replied as follows:

Your surgery is scheduled for after your release, which was supposed to be in January 2013. That is what Dr. Kaler wrote in your chart in August 2012. You have been treated for cervical radiculitis for a few years. I have

1 only been the manager since November so I am only
2 familiar with your leg injury.

3 On January 24, 2013, Kitsap County Jail Lieutenant Roxanne
4 Payne #1401 marked the grievance "Not Sustained," and noting
5 that Plaintiff THEURICH was released 01/20/13.

6 2.34 The stated surgery date of February 2013 had never been
7 scheduled.

8 2.35 Despite repeated requests and complaints about his ongoing
9 stenosis symptoms, no surgical relief was provided while
10 Plaintiff MICHAEL THEURICH was incarcerated.

11 2.36 According to Dr. Zhang, MD on July 1, 2013:

12 The patient [MICHAEL THEURICH] had an MRI scan
13 more than a year ago and also had a repeat MRI
14 scan recently. Comparison of the imaging
15 studies shows a clear progression of cervical
16 stenosis and cord compression, course signal
17 changes due to disc herniation and spondylosis
18 with hypertrophied facets. On the latest MRI
 scan, the patient is starting to lose the
 lordotic feature on the cervical spine.

19 The surgery needs to be done in a sooner than
20 later fashion since the patient has this
 progressive cervical myelopathy.

21 2.37 According to Dr. Robert Buckley, MD on July 1, 2013:

22 He [MICHAEL THEURICH] is quite symptomatic on
23 presentation with marked atrophy of his hand
24 muscles, significant paresthesias, and
25 bilateral upper extremity weakness. The
26 symptoms are quite disabling, and he has not
 been able to work since being released from
 jail.

27 2.38 After his release from jail, the VA needed to, from the
28 beginning, medically work up, screen, and approve surgery for
 Plaintiff MICHAEL THEURICH. Surgery to repair the spinal

1 stenosis was not able to be accomplished until October 8,
2 2013.

3 2.39 The surgery was more extensive than the surgery planned in
4 February 13, 2012 as there had been a clear progression of the
5 myelopathy due to lack of surgical intervention while in jail.
6

7 2.40 Defendants KITSAP COUNTY and CONMED, INC., and CONMED INC.
8 Employees Dr. BRUCE KALER, MD, BARBARA MULL, RN, Kitsap County
9 Officer RT, #11466, ARNP ARLEN JOHNSON, and HSA C. MCCARTHY
10 were deliberately indifferent to the suffering of Plaintiff
11 MICHAEL THEURICH. The failure by Defendants KITSAP COUNTY,
12 and CONMED, INC., and CONMED, INC.'s agents and staff to take
13 timely, reasonable, inexpensive and appropriate steps to
14 ameliorate, mitigate and avoid the effects of spinal stenosis
15 constitutes deliberate indifference to his medical needs, and
16 was a violation of the rights of the plaintiff.
17

18 2.41 KITSAP COUNTY and CONMED, INC. have a policy of requiring
19 incarcerated inmates to arrange their own medical care by
20 obtaining furloughs for medical care when it is the
21 responsibility of KITSAP COUNTY to ensure that their medical
22 needs are met. This policy is in violation of the inmate's
23 constitutional rights under the 14th and 8th Amendments to the
24 United States Constitution, and is in violation of RCW
25 70.48.130(7), and results in unmet medical needs of
26 incarcerated persons. This policy resulted in unmet medical
27 needs of Plaintiff MICHAEL THEURICH.
28

2.42 Deliberate indifference to the serious medical needs of prisoners constitutes unnecessary and wanton infliction of pain proscribed by the Eighth Amendment of the United States Constitution to be free from cruel and unusual punishment, made applicable to the States by the Fourteenth Amendment. Plaintiff MICHAEL THEURICH, as both a post conviction detainee, and as a pretrial detainee on the Kitsap County charge, has also been denied Due Process of Law under the Fifth and Fourteenth Amendments in imposition of such punishment upon him. These deprivations were also in derogation and contrary to 42 U.S.C. §1983.

2.43 Plaintiff MICHAEL THEURICH is entitled to damages for medical and other special expenses, pain and suffering, progressive cervical disease and disability and general damages proximately resulting from the acts of the defendants, including costs of suit and reasonable attorney fees under 42 U.S.C. §1988.

III. PRAYER FOR RELIEF

For the reasons stated above, Plaintiff MICHAEL THEURICH prays for the following relief:

3.1 For judgment against each of the defendants, jointly and severally, for monetary special damages in an amount to be determined at trial.

3.2 For judgment against each of the defendants, jointly and severally, for general compensatory damages in an amount to be

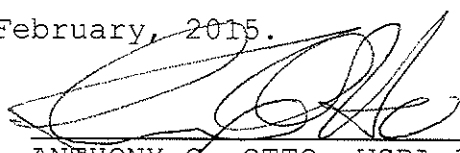
determined at trial;

3.3 For judgment for punitive damages against each of the defendants, jointly and severally, in an amount to be determined at trial;

3.4 For attorney fees and costs authorized by statute, including reasonable attorney's fees pursuant to 42 U.S.C. §1988;

3.5 For such other relief as the court deems just.

Dated this 13th day of February, 2015.



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